

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

v.

YOUSSEE, *et al.*,

Defendants.

No. 1:21-cv-01450-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. 20)

The assigned magistrate judge screened Plaintiff's first amended complaint and found that Plaintiff stated cognizable claims against Defendants Y. Rao, D. Pilar, H. Diaz, T. Loar, and H. Smuzynski for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they released Plaintiff from a suicide crisis bed, and against Defendants D. A. Lopez and M. Cuevas for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they failed to intervene during Plaintiff's two suicide attempts. (Doc. 20.) The magistrate judge recommended that all other claims and defendants be dismissed from this action, based on Plaintiff's failure to state cognizable claims upon which relief may be granted or failure to properly join claims in compliance with Federal Rules of Civil Procedure 18 and 20. (*Id.*)

In his objections, Plaintiff requests that the Court take judicial notice of his May 5, 2022 request for appointment of pro bono counsel for the limited purpose of curing the deficiencies in

1 the complaint. (*Id.*) The request is granted, and the Court takes judicial notice of Plaintiff's
2 motion for appointment of counsel, as well as the magistrate judge's order denying the motion,
3 issued May 9, 2022. (Docs. 21, 22.) To the extent Plaintiff renews his request for appointment of
4 pro bono counsel, that request is denied for the reasons stated in the magistrate judge's May 9,
5 2022 order.

6 Plaintiff's objections otherwise reiterate the argument raised in his first amended
7 complaint that the continuing violations doctrine applies to his claims, and his belief that the
8 magistrate judge is biased against him. The objections do not provide any basis for overturning
9 the findings and recommendations.

10 According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this
11 case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds
12 the findings and recommendations to be supported by the record and by proper analysis. Thus, the
13 Court **ORDERS**:

14 1. The findings and recommendations issued on May 4, 2022, (Doc. 20), are adopted
15 in full.

16 2. This action shall proceed on Plaintiff's first amended complaint, filed April 14,
17 2022, (Doc. 17), against Defendants Y. Rao, D. Pilar, H. Diaz, T. Loar, and H. Smuzynski for
18 deliberate indifference to serious medical needs in violation of the Eighth Amendment when they
19 released Plaintiff from a suicide crisis bed, and against Defendants D. A. Lopez and M. Cuevas
20 for deliberate indifference to serious medical needs in violation of the Eighth Amendment when
21 they failed to intervene during Plaintiff's two suicide attempts.

22 3. All other claims and defendants are dismissed from this action for failure to state
23 cognizable claims upon which relief may be granted or failure to properly join claims in
24 compliance with Federal Rules of Civil Procedure 18 and 20; and

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1 4. This action is referred to the magistrate judge for proceedings consistent with this
2 order.

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4 IT IS SO ORDERED.

5 Dated: **June 17, 2022**


UNITED STATES DISTRICT JUDGE